

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

UNITED STATES FIDELITY AND  
GUARANTY COMPANY,

Plaintiff,

v.

VOA ASSOCIATES INC., LIBERTY  
INTERNATIONAL UNDERWRITERS,  
MICHAEL J.MADDEN and JEAN  
MADDEN,

Defendants.

Case No. 08 C 0862

Judge Kennelly

**VOA ASSOCIATES, INC.'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant VOA Associates, Inc. ("VOA"), respectfully moves for summary judgment on Counts I and II of the Amended Complaint For Declaratory Judgment and Other Relief filed by United States Fidelity and Guaranty Co. ("USF&G"). In support of this Motion, VOA submits the accompanying (i) Memorandum of Law in Support of Motion for Summary Judgment; (ii) Local Rule 56.1 Statement of Undisputed Material Facts; and (iii) Appendix of Exhibits in Support of Motion for Summary Judgment, Vol. I and II.

As set forth in VOA's Memorandum of Law in Support of its Motion and Statement of Undisputed Material Facts, there is no genuine issue as to any material fact, and VOA is entitled to a ruling that: (1) the Madden Lawsuit triggered the duty defend which extends through appeal; (2) USF&G is estopped from asserting any coverage defenses for the \$1.6 million Madden Judgment and will be fully responsible for any liability that VOA is ultimately found to owe the

Madden plaintiffs; and (3) USF&G is not entitled to reimbursement of any its defense costs and fees incurred in the defense of the Madden Lawsuit.

**WHEREFORE**, VOA Associates, Inc. respectfully requests that the Court grant summary judgment on Counts I and II in its favor.

Dated: April 8, 2009

**VOA ASSOCIATES, INC.**

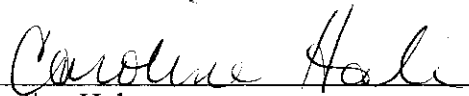
By: 

One of Its Attorneys

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**CERTIFICATE OF SERVICE**

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct. Caroline Hale, a non-attorney, certifies that she served copies of the attached **VOA Associates, Inc.'s Motion for Summary Judgment** to the entities listed on the attached Service List by depositing the same in the U.S. Mail at 6600 Sears Tower, Chicago, Illinois at or before the hour of 5:00 p.m. on April 8, 2009, with proper postage prepaid:

  
\_\_\_\_\_  
Caroline Hale

**SERVICE LIST**

***United States Fidelity and Guaranty Company v.  
VOA Associates, Inc., et al.,  
Case No. 08 C 0862***

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